

March 17, 2003

Mr. Dennis Dickerson
Executive Officer
California Regional Water Quality Control
Board, Los Angeles Region
320 W. 4th Street, Suite 200
Los Angeles, CA 90013-1105

RE: Legal Authority Certification for the City of Hawthorne

Dear Mr. Dickerson:

I am the Assistant City Attorney for the City of Hawthorne (the "City"). The City, by and through its legal counsel, hereby submits the following certification, pursuant to Part 3.G.4 of Order No. 01-182, issued by the Regional Water Quality Control Board – Los Angeles Region ("RWQCB"), dated December 13, 2001 and entitled "Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles, and the Incorporated Cities Therein, except the City of Long Beach" [NPDES No. CAS004001] (the "2001 Permit"). Part 3.G. of the 2001 Permit requires the City, as a Permittee, to submit a new or updated statement by its legal counsel that the Permittee has obtained all necessary legal authority to comply with the Permit.

The City, as a general law city, has broad general police powers under the Constitution of the State of California to enact legislation for health and public welfare of the community to the extent not preempted by federal or state law. In addition to the provisions of the municipal Code, which provide various enforcement and nuisance abatement powers, the City has adopted specific storm water ordinances for the purpose of ensuring that it has adequate legal authority to implement and enforce its storm water control program and to implement the programs prescribed by the 2001 Permit. The City has the authority under the Constitution and statutes of the State of California to enact and enforce these ordinances, and these ordinances were duly enacted. These ordinances contain specific enforcement provisions under the generally applicable enforcement provisions of the Municipal Code.

Based on its prior adoption of a comprehensive storm water ordinance, which has been amended as and when required by applicable NPDES permits and RWQCB orders, as well as other parts of its Municipal Code, the City previously submitted statements to the RWQCB confirming that it has all necessary legal authority to control discharges to and from those portions of the Municipal Separate Storm Sewer System (MS4) over which the City has jurisdiction through adoption of ordinances and/or municipal code modifications, regulations

and other legal documents. The purpose of this letter is to provide the RWQCB with an updated statement confirming the City's compliance with Part 3.G. of the 2001 Permit.

In our opinion, the City has adequate legal authority, as envisioned by the 2001 Permit, the Clean Water Act and applicable regulations promulgated thereunder, specifically, 40 CFR 122.26(d)(2)(i)(A-F), to implement the requirements of the 2001 Permit by the mandated dates, and to enforce such additional requirements after they have been implemented, consistent with the requirements set forth in the U.S. Environmental Protection Agency's regulations and to the extent permitted by State and Federal law, subject to the limitations on municipal action under the California and United States Constitutions, and that the City has obtained the necessary legal authority to control and prohibit discharges of pollutants into the Municipal Separate Storm Sewer System, as required by the 2001 Permit.

Should you have any questions regarding the City's legal authority, please feel free to call me at (310) 970-7994 or E-Mail me at Asstcattorney@earthlink.net.

Sincerely,

Russell I. Miyahira
Assistant City Attorney
City of Hawthorne

cc: Glen E. Shishido, City Attorney
Charles D. Herbertson, City Manager
John L. Hunter (Hunter-Kennedy)